

**MINUTES OF THE MILLVILLE
TOWN COUNCIL REGULAR & TELECONFERENCE MEETING
August 11, 2020 @ 7:00 PM**

In attendance were Mayor Steve Maneri, Deputy Mayor Ronald Belinko, Treasurer Sharon Brienza, Secretary Barbara Ryer, Council Member Peter Michel, Town Solicitor Seth Thompson, and Town Manager Debbie Botchie.

1. CALL MEETING TO ORDER

Mayor Steve Maneri called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Mayor Steve Maneri stated everyone was present.

4. ADOPTION OF TOWN COUNCIL MINUTES

A. Adoption of Town Council Minutes – July 14, 2020

B. Adoption of Town Council Workshop Minutes – July 28, 2020

Treasurer Sharon Brienza motioned to approve the July 14, 2020, Town Council meeting minutes and the July 28, 2020, Town Council Workshop meeting minutes. Deputy Mayor Ronald Belinko seconded the motion. Motion carried 5-0.

5. FINANCIAL REPORT – Treasurer Sharon L. Brienza

A. July 2020

Treasurer Sharon Brienza read the Financial Report for the month ending 7/31/20.

July 31, 2020:

General Revenue: \$ 514,572. Restricted Revenue: \$ 165,217.

General Expenses: 84,245. Restricted Expenses: 196,793.

6. ADMINISTRATIVE MATTERS

A. Administrative Report for July 2020

Ms. Brienza asked about Town Manager Debbie Botchie meeting with Debbie Chorman regarding the Millville Boardwalk and Dickens Parlour, and what those establishments are planning to do. Ms. Botchie stated Dickens Parlour is looking to enlarge its structure by going up (adding a floor), so they would have to go to the Town Planning & Zoning (P&Z). Ms. Botchie stated the Boardwalk was about doing a future hot dog stand inside the premises.

Mayor Steve Maneri asked Ms. Botchie if she ever heard from Ms. Penny Ann Rogers. Ms. Botchie stated no. Mayor Maneri stated he received an email from Ms. Rogers, who is the executive director of the Delaware Addiction Support Group, and she lost

her son on July 14, 2017, to an addiction overdose. Mayor Maneri stated she would like to have the Town Hall lower its flag to half-staff on August 31, 2020. Town Solicitor Seth Thompson stated he looked at the State Code and there is one provision on automatically putting your flag at half-staff if a veteran dies, and the Governor is capable of ordering it, but it's not limited in terms of the Governor's capability so town's presumably have their own ability to order flags for half-staff for some other cause. Mr. Thompson stated typically at the legislative level, the body will pass a resolution so people will know why the flags are put at half-staff, and this can go before Council at its next workshop meeting.

7. NEW BUSINESS

- A.** Discuss and possible vote on a Final Site Plan submitted by Colleen Windrow and Melissa Nalewaik for a 1200-square-foot office building. The proposed business is located at 35814 Atlantic Avenue, Tax Map Parcel #134-12.00-1739.00, and zoned C1 - Commercial. At its July 9, 2020, meeting, the Town Planning & Zoning (P&Z) Commission voted 5-0 to recommend final site plan approval to Council with the conditions of any outside property lighting to be facing downwards, and landscaping be added to the rear to meet the Town buffer requirements.

- **Mayor Maneri will request an individual vote**

Ms. Colleen Windrow stated the Town P&Z had asked the applicants to add to their final site plan the addition of the lighting facing downwards, which has been added as number thirteen (13) under general notes, and the bottom line is the applicants are trying to get approval for an office space for the building. Ms. Windrow stated P&Z had also requested the applicant to add to the site plan and make sure there is the landscape buffer put in place in the rear of the property, which the applicants have done. Ms. Botchie stated the site plans meet all of the Town requirements and this building was used as a residential use but it is changing to a commercial use, which is permitted per Town Code. Ms. Botchie stated the most time spent on this was the applicant getting the shared driveway agreement in place. Ms. Botchie stated she spoke with GMB representative and Town engineer Andrew Lyons Jr. again today and he has stated he is "on board with everything" and the applicant has complied with all requirements. Mr. Thompson asked if the shared driveway agreement has already been recorded. Ms. Windrow stated yes, and the Town has a copy of it. Ms. Brienza asked what kind of tenant will be in the office. Ms. Windrow stated they don't have a tenant yet who has signed the agreement, but it will most likely be in the real estate/attorney field.

Mr. Belinko motioned to approve the Final Site Plan submitted by Colleen Windrow and Melissa Nalewaik for a 1200-square-foot office building. Ms. Ryer seconded the motion. Mr. Belinko voted yes. Ms. Ryer voted yes. Mr. Michel voted yes. Ms. Brienza voted yes. Mayor Maneri voted yes. Motion carried 5-0.

- B.** Discuss and possible vote on Resolution 21-07 – Secretary Barbara Ryer. Synopsis: If approved, Resolution 21-07 will adopt revisions to the language in the Millville Town Council Policies and Procedures Manual.

Ms. Ryer stated she was reading over the Town Council Policies & Procedures Manual and it's not bad but it could use a little more clarification and a few more additions. Ms. Ryer stated there are plenty of things in the manual about a process and things you should or shouldn't do, but it is silent on other areas so Ms. Ryer thought enhancing it may be beneficial for everyone. Ms. Ryer stated there was one (1) change on the second bullet of the resolution on page two (2), where Mr. Thompson requested to have Town staff as not being including as a "town officials" but rather named separately. Ms. Ryer stated Mr. Thompson has reviewed the document and approved the process as being compliant to Title Twenty-Nine (29) of the State Code. Mr. Thompson stated he reached out to the attorney for the Public Integrity Commission (PIC) on the State code of conduct to make sure this adhered to the PIC's regulations, which it does. Mr. Belinko stated it is his understanding that the Town would be the second municipality to establish a code of conduct for its Council, and it's hard to believe there are so few with this code. Mr. Belinko stated the positive thing to something like this is it gives credibility to the citizens and public that Council is held accountable for the code of conduct, and the Town's character through its officials and staff is important. Mr. Thompson stated he looked through the Town Charter and Code to see if the Council felt the need to remove someone from a commission, and the process and the standard varies significantly depending on what the person is appointed to, which is fine; but that is also removal so there wasn't anything which was a basis for a reprimand or censure. Mayor Maneri asked if there is language in here – or can there be language put in – regarding after meetings and having officials and staff stay off of social media. Ms. Ryer stated she did add the language to the third bullet stating "[r]efrain from posting information detrimental to any Town Official on all public platforms that may be construed as hostile, defamatory or in any way detrimental to the character of the individual." Mayor Maneri asked if Council could alter the language so it includes more than the Town officials, making everyone sitting on Council. Ms. Ryer stated Town officials are defined in the second bullet above this item, as "members of the Council, a Committee, Board, Commission, Task Force, or other multi-member body, and Town employees." Ms. Ryer stated the Town employees already have a code of conduct they have to follow, so Council should have to follow the same. Mr. Thompson stated in terms of the employees inclusion, that would be in the Town employee personnel manual and not in the Council Policies and Procedures because the employee manual already has mention of social media. Mr. Thompson stated basically "what is good for the goose, is good for the gander," and Town officials who are either elected or appointed should follow the same regulations and code of conduct as their employees.

Mayor Maneri stated he feels in the section stating "Whereas Councilmembers would benefit from specific standards to guide," Mayor Maneri feels the mayor should be involved whenever Council makes any decision on the outside and at least talk to the mayor. Mayor Maneri stated there was an incident where he went after Mr. Belinko about the closing of Town Hall on the day of the tropical storm (August 4, 2020), and he is sorry about that, because Mayor Maneri was told by someone on Council that Mr. Belinko made the decision, and it's the only reason Mayor Maneri mentioned something to Mr. Belinko. Mr. Belinko stated he knew at that time during that storm it wasn't Mr. Belinko's responsibility to make that decision and he would never make a decision like that without bringing it up to the mayor. Mayor Maneri stated that wasn't the way it was brought up to

him and that's why he reacted the way he did; but he apologizes. Mr. Thompson stated the Freedom of Information Act (FOIA) is an important law but members of a council can be uncomfortable speaking to each other out of the fear of creating a serial meeting; and people shouldn't eschew having one-on-one conversations with each other out of fear it somehow will become a serial meeting, even when an emergency of dealing with a storm is the subject.

Ms. Ryer motioned to approve Resolution 21-07 with the addition of the "and Town employees" at the end of the second bullet sentence. Mr. Belinko seconded the motion. Ms. Ryer voted yes. Mr. Michel voted yes. Mr. Belinko voted yes. Ms. Brienza voted yes. Mayor Maneri voted yes. Motion carried 5-0.

C. Discuss and possible vote on Resolution 21-08. Secretary Barbara Ryer. Synopsis: If approved, Resolution 21-08 will authorize the Mayor to appoint a "Charter Review Committee."

Ms. Ryer stated if you look through the Town Charter, there are several things which were approved in 2007, which is thirteen (13) years ago, and Ms. Ryer thinks every five (5) or six (6) years or so, it would be good to go through and make sure ordinances are up to date. Ms. Ryer stated this review of the Charter is not something which will end in a month but rather could take a year. Ms. Ryer stated she talked to two (2) people on the Town P&Z because she thought their input would be really valuable; so Ms. Ryer was told by P&Z Chairman Pat Plocek and P&Z Commissioner Timothy Roe they would be on the charter committee, Town Manager Debbie Botchie said she would as well, and Ms. Brienza stated she would also serve on the committee. Ms. Ryer stated if anyone else has any kind of suggestions for the committee, she is open to changes. Mr. Thompson stated the Town's last charter change was to enact the lodging tax and it's a good example of the charter changes the Town has done over the last thirteen (13) years. Mr. Thompson stated the Town has not done a reincorporation, which is reviewing the entire charter and see what needs updating, so it should be done. Mr. Thompson stated because this is a committee, they would be subject to the FOIA and would have to advertise meetings, and some towns such as Milton had several public hearing meetings so the public could make suggestions to particular sections of the charter. Mr. Belinko stated since it has been thirteen (13) years, it is time to have a group review the charter instead of piecemealing in one section after another.

Ms. Botchie asked since Milton did the whole charter reincorporation, did it take longer of time going through the legislative process to the House and Senate? Mr. Thompson stated your state senator and representative and helping sponsor it but it will take them longer to be comfortable with it since they will be the ones on the floor putting forth the bill. Mr. Thompson stated typically it's not required under law but they expect the Town to have done a good vetting process, to have a number of public hearings – the state senator and representative want to know that so if a citizen calls them up, they'll have the information. Mayor Maneri asked Ms. Ryer if this resolution passes, will Ms. Ryer present a report once a month to Council. Ms. Ryer stated yes, it is in the resolution. Mayor Maneri stated he would like to have the report presented at each monthly Council meeting after the charter committee meeting.

Mr. Belinko motioned to approve Resolution 21-08. Ms. Ryer seconded the motion. Motion carried 4-1.

8. CITIZENS' PRIVILEGE

There were no comments.

9. ANNOUNCEMENT OF NEXT MEETING - Town Council Workshop Mtg., August 25, 2020

10. ADJOURNMENT

Ms. Brienza motioned to adjourn at 7:40 p.m. Mr. Belinko seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk